

#7

Patent Owner's Docket No. 101175.0001US1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Mark Vanderberg

Application No.: 10/046,833

Group No.: 3611

Filed: 01/15/2002

Examiner: Gary Chapman Hoge

For: SLIDING PANEL PHOTOGRAPHIC CARD

RECEIVED

OCT 06 2004

OFFICE OF PETITIONS

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION TO REVIVE PATENT APPLICATION—FAILURE TO PAY ISSUE  
FEE UNINTENTIONAL (37 C.F.R. §§ 1.137(b) AND 1.316)

1. Applicant hereby petitions for the revival of this application.
2. Nature of the Abandonment:

In the communication from the PTO mailed September 25, 2003, it was noted that this application is abandoned for failure to pay the issue fee within the 3-month period from the date of the notice of allowance required by 37 C.F.R. § 1.316.

3. The delay in payment of the issue fee was unintentional. The entire delay from the due date in paying the required issue fees until the filing of this petition was unintentional. 37 C.F.R. § 1.137(b)(3).
4. Payment of the issue fee (37 C.F.R. § 1.137(b)(1):

Regular Patent Issue Fee (small entity):

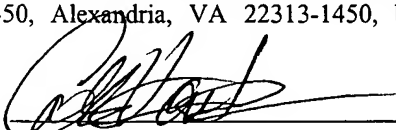
\$685.00

CERTIFICATE OF EXPRESS MAILING OR MAILING (37 C.F.R. section 1.10/1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as Express Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, bearing label no. EV389270565US.

Date:

9/30/04

  
Collene Houston

10/05/2004 WAREDELRI 00000046 502191 10046833

01 FC:2453 665.00 DA

Unpaid Publication Fee: \$300.00

5. Petition fee (35 U.S.C. § 41(a)(7) and 37 C.F.R. § 1.17(m)):

Application status is: Small business entity—fee: \$685.00

Advance Order for 1 (one) copy of patent: \$3.00

Total issue, publication and petition fee to be paid: \$1,673.00

6. Payment of total fee:

Please charge deposit account 502191 in the amount of \$1,673.00.

Charge any additional fees required by this paper or credit any overpayment to deposit account 502191.

7. Terminal Disclaimer:

This utility/plant application was filed on or after June 8, 1995 and no terminal disclaimer is required.

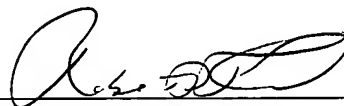
Date:

9/30/04

Reg. No.: 33,880

Tel. No.: 714-641-5100

Customer No.: 34284

  
Signature of Practitioner

Robert D. Fish

Rutan & Tucker, LLP

P.O. Box 1950

611 Anton Blvd., 14th Floor

Costa Mesa, CA 92628-1950

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In application of: Mark Vanderberg

Application No.: 10/046,833

Filed: January 15, 2002

Group No.: 3611

Examiner: Gary C. Hoge

For: SLIDING PANEL PHOTOGRAPHIC CARD

Mail Stop Issue Fee

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

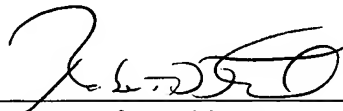
## TRANSMITTAL OF PAYMENT OF ISSUE FEE (37 C.F.R. § 1.311)

1. Applicant hereby pays the issue fee for the attached Issue Fee Transmittal PTOL-85.
2. Applicant asserted small entity status in this application on January 15, 2002 by payment of the basic filing fee as a small entity. (37 C.F.R. § 1.27(c)(3)). It is confirmed that small entity status for this application has been checked and it is still in effect and is being asserted.
3. Fees (37 C.F.R. § 1.18 (a)): Application status is small entity with a fee of \$685.00.  
Applicant also wishes to advance order 1 (one) copy of the issued patent, the fee for which is \$3.00.
4. Payment of fees:

Authorization is hereby made to charge the amount of \$688.00 to Deposit Account No. 502191.

Date: 9/30/02

Reg. No.: 33,880  
Tel. No.: 714-641-5100  
Customer No.: 34284

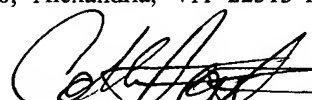
  
\_\_\_\_\_  
Signature of Practitioner  
Robert D. Fish  
Rutan & Tucker, LLP  
P.O. Box 1950  
611 Anton Blvd., 14th Floor  
Costa Mesa, CA 92628-1950

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## CERTIFICATE OF EXPRESS MAILING OR MAILING (37 C.F.R. section 1.10/1.8(a))

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Date: 9/30/04

  
\_\_\_\_\_  
Collene Houston

**TRANSMITTAL  
FORM**

Use used for all correspondence after initial filing)

Application Number	10/046,833
Filing Date	January 15, 2002
First Named Inventor	Mark Vanderberg
Art Unit	3611
Examiner Name	Gary Chapman Hoge
Attorney Docket Number	101175.0001US1

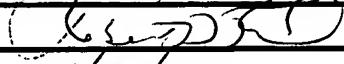
Total Number of Pages in This Submission

7

**ENCLOSURES (Check all that apply)**

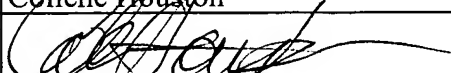
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Power of Attorney and Revocation of Prior Powers, Petition to Revive Unintentionally Abandoned Application, Transmittal of Payment of Issue Fee and Issue Fee Transmittal
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Robert D. Fish; Rutan & Tucker, LLP
Signature	
Date	9/30/04

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. Washington, DC 20231 on this date:

Typed or printed name	Collene Houston
Signature	
Date	9/30/04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**FEE TRANSMITTAL****for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

**Complete if Known**

Application Number	10/046,833	<b>RECEIVED</b>
Filing Date	January 15, 2002	
First Named Inventor	Mark Vanderberg	<b>OCT 03 2004</b>
Examiner Name	Gary C. Hoge	
Art Unit	3611	<b>OFFICE OF PETITIONS</b>
Attorney Docket No.	101175.0001US1	

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1,373.00

**METHOD OF PAYMENT (check all that apply)**
☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:Deposit Account Number  
Deposit Account Name

502191

Rutan &amp; Tucker, LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☐ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
<b>SUBTOTAL (1)</b>			<b>(\$)</b>

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 86	2201 43	Independent claims in excess of 3	
1203 290	2203 145	Multiple dependent claim, if not paid	
1204 86	2204 43	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
<b>SUBTOTAL (2)</b>			<b>(\$)</b>

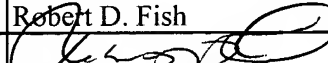
\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity - Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	685.00
1501 1,330	2501 665	Utility issue fee (or reissue)	685.00
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify) <b>Advance Order 1 Copy of Patent</b>			3.00
*Reduced by Basic Filing Fee Paid			
<b>SUBTOTAL (3)</b>			<b>(\$)</b> 1,373.00

**SUBMITTED BY**

Name (Print/Type)	Robert D. Fish	Registration No. (Attorney/Agent)	33,880	Telephone	714-641-5100
Signature		Date	9/30/02		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

# 10-04-04 PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**

**Commissioner for Patents**

**Alexandria, Virginia 22313-1450**

**Fax (703)746-4000**

OCT 03 2004

OFFICE OF PETITIONS

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated, unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

7590

05/20/2003

**KLEIN, O'NEILL & SINGH, LLP**

2 Part Plaza

Suite 510

Irvine, CA 92614

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above, or being facsimile transmitted to the USPTO, on the date indicated below.

<i>College Houston</i>	(Depositor's name)
<i>[Signature]</i>	(Signature)
<i>9/30/04</i>	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,833	01/15/2002	Mark Vanderburg	672-01-PA	5904

TITLE OF INVENTION: SLIDING PANEL PHOTOGRAPHIC CARD

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$650	\$300	\$950	08/20/2003

EXAMINER	ART UNIT	CLASS-SUBCLASS
HOGE, GARY CHAPMAN	3611	040-491000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. *Butan & Tucker, LLP*

2. *Robert D. Fish*

3. \_\_\_\_\_

## 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent)

☐ individual ☐ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

☒ Issue Fee

☒ Publication Fee

☒ Advance Order - # of Copies 1

4b. Payment of Fee(s):

☐ check in the amount of the fee(s) is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Commissioner is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 502191 (enclose an extra copy of this form).

Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

(Date)

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

10/05/2004 WABDEL3 00000010 502191 10046833

01 FC:2501

665.00 DA

02 FC:1504

300.00 DA

03 FC:8001

3.00 DA

TRANSMIT THIS FORM WITH FEE(S)